
Draft Final Finding of Suitability For Early Transfer

Hamilton Army Airfield Main Airfield Parcel

Novato, California

Prepared for
Department of the Army



U.S. Army Corps of Engineers

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CH2MHILL

2485 Natomas Park Drive, Suite 600
Sacramento, California 95833

**DRAFT FINDING OF SUITABILITY FOR EARLY TRANSFER (FOSET)
WITH A CERCLA §120(h)(3) COVENANT DEFERRAL**

**HAMILTON ARMY AIRFIELD—MAIN AIRFIELD PARCEL
NOVATO, CA**

1.0 PURPOSE

The purpose of this FOSET is to document the environmental suitability of the proposed Main Airfield Parcel property at Hamilton Army Airfield for transfer to the City of Novato (City) and the California State Coastal Conservancy (Conservancy) consistent with the Department of Defense (DoD) policy and Section 334 of Public Law 104-201, amending the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) §120(h)(3)(C), as amended, of 42 U.S.C. 9620(h)(C), for the transfer of property prior to completion of all remedial actions. In addition, the FOSET identifies environmental factors associated with the proposed property transfer and demonstrates that the proposed property transfer prior to the completion of all remedial actions is consistent with the protection of human health and the environment, with the appropriate notifications and requirements to ensure that the wetland design for reuse is protective of future receptors.

Hamilton Army Airfield is a former Army and Air Force installation located approximately 22 miles north of San Francisco, California in Marin County. The facility was constructed on reclaimed tidal wetlands in 1932. The base historically provided full service support for fighter, bomber, and transport aircraft, training operations, and personnel. Hamilton Army Airfield was recommended for closure in 1988.

For purposes of convenience, The United States of America, acting by and through The Secretary of the Army, will be referred to as the Army throughout the document. For purposes of this document, the term “State of California (State)” shall mean the Department of Toxic Substances Control (DTSC) and/or the Regional Water Quality Control Board (RWQCB), where appropriate, and such other agency or instrumentality of the State as may have or as may acquire, by operation of law, regulatory jurisdiction concerning response actions.

This introduction has provided the background and purpose of the FOSET and presented a background on the property being addressed.
The remainder of this document is organized as follows:

Section 2—Provides a description of the property to be transferred

Section 3—Documents National Environmental Policy Act (NEPA) compliance

Section 4—Summarizes the environmental condition of the Property including Environmental Condition of Property Categories and a list of primary documents reviewed during the development of the FOSET

Section 5—Provides a description of any planned remedial or corrective actions, including the schedule for such actions

Section 6—Provides a description of the intended use of the Property and a determination of whether the anticipated reuse is reasonably expected to result in exposure to CERCLA hazardous substances

Section 7—Documents regulatory and public coordination and notification of the FOSET

Section 8—Provides assurances for the deed and for continuing environmental response actions and other actions to address remaining environmental contamination conditions at the Main Airfield Parcel following conveyance

Section 9—Documents the suitability for early transfer to the City and Conservancy

2.0 DESCRIPTION OF PROPERTY TO BE TRANSFERRED

The property proposed for transfer consists of the 644.19-acre Main Airfield Parcel property at Hamilton Army Airfield (the Property). This area includes the Inboard Area and portions of the Coastal Salt Marsh (CSM) currently owned by the Army (see **Enclosure 1**). The proposed reuse of the area is for a levee and for open space for the Hamilton Wetland Restoration Project as set forth in the Reuse Plan dated October 1995. The wetland reestablishment will be conducted by the Army Civil Works Program and the Conservancy. A site map showing the boundaries of the Property to be transferred is provided in **Enclosure 1**. A legal description of the Property to be transferred is provided in **Enclosure 2** (Legal Description of the Property). The Property is mostly grasslands with a runway, other taxiways, subsurface utilities, drainage features, and fifteen existing buildings or structures. A list of former structures and structures still present on the Property is provided in **Enclosure 3** (List of Buildings). Those structures that are present are proposed for transfer.

3.0 NEPA COMPLIANCE

NEPA requirements for this early transfer were satisfied by the analysis conducted in the Final Environmental Impact Statement, Hamilton Army Airfield Disposal and Reuse, dated December 1996, and the Record of Decision dated February 1997.

4.0 ENVIRONMENTAL CONDITION OF PROPERTY

A determination of the environmental condition of the property has been made based on the Environmental Baseline Survey dated June 2003 and the Community Environmental Response Facilitation Act (CERFA) Report dated 1994. The information provided is a result of a complete search of agency files during the development of these environmental documents.

The Army made a determination of the environmental condition of the Property by reviewing existing environmental documents and making associated visual site inspections. A complete list of the Property's supporting environmental condition documents is provided in **Enclosure 4** (Environmental Studies). Primary documents include:

1. Asbestos Survey for Hamilton Army Airfield by Occusafe, dated June 1989
2. Community Environmental Response Facilitation Act (CERFA) Report by Earth Technology Corporation, dated April 1994 and DTSC letters dated February 15, 2001; May 20, 1994; and April 18, 1994
3. Closure Report, Removal of PCB Transformers from Base Realignment and Closure (BRAC) Property by Remedial Constructors Inc., dated January 1996
4. Comprehensive Remedial Investigation Report by IT Corporation, dated April 1999
5. Remedial Design Investigation Report by Foster Wheeler, dated February 2000
6. Focused Feasibility Study (Inboard Area Sites) by CH2M HILL, dated August 2001
7. Focused Feasibility Study (Coastal Salt Marsh) by CH2M HILL, dated June 2003

8. Draft Final Record of Decision/Remedial Action Plan (ROD/RAP), Main Airfield Parcel, Army, DTSC, and RWQCB, dated May 2003
9. Final Human Health and Ecological Risk Assessment by the Army, dated August 2001
10. Completion Report, Asbestos Abatement at Hamilton Army Airfield by Roy F. Weston, Inc., dated July 2002
11. Final Environmental Baseline Survey, Main Airfield Parcel by CH2M HILL, dated June 2003

Based upon the results of previous investigations, the proposed early transfer of the Property to the City and Conservancy prior to the Army's completion of all necessary environmental remedial action, for use as open space for wetland reestablishment, is consistent with the intended reuse of the property and protection of human health and the environment. The early transfer will not substantially delay necessary response action required after the transfer of the Property to the City and Conservancy.

4.1 Environmental Condition of Property Categories

The DoD Environmental Condition of Property (ECP) categories were assigned to the areas of environmental concern within the Property using the above referenced documents. The ECP categories are defined as per **Enclosure 5** (ECP Categories). The ECP categories assigned to the Property proposed for transfer are as follows:

ECP Category 1: Northwest Runway Area¹ and Main Airfield Parcel (excluding other BRAC parcels listed separately)¹

ECP Category 2: Building 20, Building 26, East Levee Generator Pad, Onshore Fuel Line, Revetments 5, 8, 14, 15, 17, 20, 22, 24, 27, and 28, and Revetment 18/Building 15

ECP Category 3: Building 84/90 and Tarmac East of Outparcel A-5

ECP Category 4: Perimeter Drainage Ditch Spoil Pile E and H, and Revetments 9 and 10

ECP Category 5: Building 41 Area, Perimeter Drainage Ditch Spoil Pile F, Revetments 6 and 7

ECP Category 6: Former Sewage Treatment Plant (including sanitary and industrial waste lines), Building 35/39 Area, Building 82/87/92/94 Area (including storm drains), Building 86 (including storm drains), Perimeter Drainage Ditch, Perimeter Drainage Ditch Spoil Piles A, B, C, D, G, I, J, K, L, and M, Revetments 1, 2, 3, 4, 11, 12, 13, 16, 19, 21, 23, 25, and 26, Former Revetments, High Marsh Area—proposed channel cut area, High Marsh Area—nonchannel cut, Outfall Drainage Ditch, Historical Outfall Drainage Ditch, Antenna Debris Disposal Area, East Levee Construction Debris Disposal Area, Area 14, Boat Dock—channel area, and Boat Dock—nonchannel Area, Northwest

¹ The Army does not view the Inboard Area-Wide DDTs and PAHs adjacent to the runway as a release that is actionable under CERCLA and therefore considers the parcel to be a Category 1. DTSC does view the Inboard Area-Wide DDTs and PAHs adjacent to the runway as a CERCLA release and considers the parcel to be a Category 6. The ROD/RAP addresses this issue to everyone's satisfaction, and it is anticipated that the deferred CERCLA warranty is expected to be issued in the future for the whole Property.

Runway Area¹, and Main Airfield Parcel (excluding other BRAC parcels listed separately)¹

ECP Category 7: Testing Range, Northwest Alleged Disposal Area, Skeet Range, and Firing-In-Butt

4.2 Hazardous Substance Storage, Release, or Disposal

Areas in categories 1–6 where hazardous substances were known or suspected of having been stored, released, or disposed of were investigated during environmental investigations at Hamilton. The following areas are identified as having releases or potential releases of hazardous substances: Former Sewage Treatment Plant (including sanitary sewer lines); Building 35/39 Area; Building 82/87/92/94 Area (including storm drains); Building 84/90; Building 86 (including storm drains); Perimeter Drainage Ditch; Perimeter Drainage Ditch Spoil Piles A, B, C, D, E, F, G, H, I, J, K, L, M; Revetments 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 16, 19, 21, 23, 25, and 26 (including storm drains); Former Revetments; High Marsh Area—proposed channel cut area; High Marsh Area—nonchannel cut area; Historical Outfall Drainage Ditch; Outfall Drainage Ditch; Antenna Debris Disposal Area; Boat Dock—channel area, and the Boat Dock—nonchannel area. Details regarding the releases and necessary remedial actions, if any, are summarized in **Enclosure 6** (Notice of Hazardous Substance and Petroleum Product Storage, Release or Disposal). DTSC also views the Inboard Area-Wide DDTs and PAHs near the runway as a CERCLA release of hazardous substances. The Army does not view the Inboard Area-Wide DDTs and PAHs near the runway as releases that are actionable under CERCLA.

PCBs were detected within the Inboard Area in soils at the following locations: former sludge drying bed area of the Former Sewage Treatment Plant, Perimeter Drainage Ditch, Building 92/94 Transformer Pad, Building 82 Transformer Pad, Boat Dock Transformer Pad, and East Levee Generator/Pad. The releases were addressed through Remedial Investigation and the Interim Removal Action activities and confirmation sampling confirmed PCBs were no longer present at these sites. Within the Coastal Salt Marsh, PCBs have been detected at the Antenna Debris Disposal Area. This site is currently under investigation, and the proposed remedial decision for the site is documented in the ROD/RAP.

The Property deed will include a PCB notification provided in the Environmental Response Obligation Addendum (EROA) (**Enclosure 7** – Environmental Response Obligation Addendum).

For the purposes of this FOSET, when the dates and quantities of material stored, released, or disposed are not known, the amount of stored material is assumed to be greater than the reportable quantity. The type of hazardous substances potentially stored, released, or disposed is based upon historical use of the site. **Enclosure 6** summarizes the status of all buildings and structures included in this FOSET in which hazardous substance releases have occurred, and the buildings and structures where actions are still pending.

As noted in Subsection 4.1 above, sites identified under ECP Categories 5, 6, and 7 are sites where additional actions are needed after the Property is transferred. Remedial decisions for all of the sites are documented in the ROD/RAP.

4.3 Petroleum and Petroleum Products

4.3.1 Underground and Above-Ground Storage Tanks (UST/AST) Storage, Release or Disposal of Petroleum Products

This subsection identifies areas where petroleum had been released into the environment. **Enclosure 6** summarizes the status of these areas. Completed and ongoing actions are documented in the ROD/RAP.

Areas where petroleum products were known or suspected of having been stored, released, or disposed of from USTs/ASTs were investigated during the various environmental investigations at Hamilton. The following areas are identified as having releases or potential releases of petroleum products: Building 20, Building 26, Building 35/39 Area, Building 41 Area, East Levee Generator Pad, and Revetment 18/Building 15. Details regarding the release and response actions, if any, are summarized in **Enclosure 6**.

4.3.2 Non-UST/AST Storage, Release, or Disposal of Petroleum Products

Petroleum products were known or suspected of having been released or disposed of from petroleum related activities that were conducted in and around the following areas: Building 82/87/92/94 Area, Building 84/90, Building 86, Onshore Fuel Line (54-inch diameter Drain Line Segment, Hangar Segment, Northern Segment), Tarmac East of Outparcel A-5, and Revetments 5, 8, 14, 15, 17, 20, 22, 24, 27, and 28. A summary of Non-UST/AST petroleum and petroleum products storage, release, and disposal within buildings or areas on the Property is provided in **Enclosure 6**.

4.4 Groundwater Contamination

Isolated detections of contaminants were identified in groundwater at the following areas: Former Sewage Treatment Plant, Building 20, Building 35/39 Area, Building 41 Area, Building 82/87/92/94 Area, Building 84/90, Building 86, Northwest Runway Area, Revetments 5, 6, 9, 10, and 12, and Revetment 18/Building 15 Area. Removal actions were conducted at some locations, e.g., Former Sewage Treatment Plant, coincident with impacts to groundwater. The isolated detections at these sites did not indicate the presence of a larger groundwater contamination problem.

The Army conducted an additional groundwater investigation at Building 82 in September 2002. Groundwater samples were collected and analyzed for total petroleum hydrocarbon constituents and benzene, toluene, ethylbenzene, xylene (BTEX). Total petroleum hydrocarbons measured as diesel, gasoline, and motor oil were detected in the groundwater samples. Total petroleum hydrocarbons measured as diesel was detected in all six groundwater samples at concentrations ranging from 0.52 to 1.9 milligrams per liter, total petroleum hydrocarbons measured as gasoline was detected in one sample at a concentration of 0.19 milligrams per liter, and total petroleum hydrocarbons measured as motor oil was detected in five samples at concentrations ranging from non-detect to 1.4 milligrams per liter. Benzene, toluene, ethylbenzene, xylene (BTEX) compounds were not detected in the groundwater samples. Levels of total petroleum hydrocarbons were within the levels established for the Saltwater Ecological Protection Zone derived at the Presidio and applied at Hamilton Army Airfield.

Prior to being abandoned and destroyed, 17 monitoring wells located in the Main Airfield

Parcel and adjacent marsh were sampled by the Army in December 2001 and January 2002. These data were collected mainly because little dissolved metals data were collected during previous sampling efforts and to supplement existing monitoring data. Organic constituents that were reported in groundwater appear to be distributed randomly at relatively low concentrations and are below Regional Water Quality Control Board risk-based screening levels (RWQCB, 2001). Dissolved metals concentrations for some wells exceeded salt water aquatic life protection numbers for copper, zinc and nickel and may be due to site geology; background wells also had exceedances. The magnitude of the exceedances appeared to be significant for nickel only, which occurs commonly in San Francisco Bay geologic formations, i.e., Franciscan Group.

In addition, a monitoring well (JFL-MW-1) located near the 90-degree bend in the Onshore Fuel Line 54-inch diameter Drain Line Segment was sampled in August 2002. Total petroleum hydrocarbons measured as diesel was the only contaminant detected in the groundwater.

It was determined that no further action is required to address groundwater impacts at Hamilton Army Airfield.

In general, groundwater elevations in the Main Airfield Parcel range between 1 foot below ground surface (bgs) to 10 feet bgs. Groundwater gradients vary from about 0.0 beneath the revetment area to 0.051 near the Pump Station Area. Overall, groundwater surface is primarily horizontal and generally mimics the topography. Tidal influence on groundwater surface was observed in the Former Sewage Treatment Plant well, TP-MW-101, but not in the Pump Station Area well, PS-MW-101. These wells are immediately inboard of the perimeter levees.

Groundwater beneath the Property is not now, nor is it likely to be, used for drinking water. Current drinking water is provided by a municipal drinking water system. State Water Resources Control Board Policy 88-63 (1988) specifies the criteria for determining whether groundwater is a source of drinking water, that is, if it is suitable for municipal or domestic water supply. One of the criteria for suitability as drinking water is low total dissolved solids. The policy defines water with total dissolved solids in excess of 3,000 mg/L as unsuitable for drinking. The total dissolved solid concentrations in groundwater from monitoring wells across the Property range from 819 to 18,270 mg/L. These findings indicate that groundwater beneath the Hamilton Army Airfield Main Airfield Parcel and adjacent marsh is generally unsuitable for drinking because the average total dissolved solid concentration of 4,890 mg/L exceeds the 3,000 mg/L limit. In addition, the groundwater is not likely a source of industrial groundwater because of its very low sustainable yield in the impermeable Bay Mud.

There are 11 supply wells located within a 2-mile radius of Hamilton Army Airfield, and 1 well is located within 1 mile of the site boundary. The majority of the wells are used for domestic or irrigation supply, and wells appear to be outside the influence of historical Hamilton Army Airfield activities.

4.5 Polychlorinated Biphenyls (PCBs) Equipment

There are no PCB-containing transformers located on the Property. The transformers located at the Building 35/39 Area contain non-PCB liquid (coolant fluid). Within the Inboard

Area, an additional electrical vault was identified, but PCBs were not detected at actionable levels.

4.6 Lead-Based Paint (LBP)

Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. The Property does not contain any residential housing and is not to be used for housing, schools, playgrounds, childcare and daycare facilities, or other facilities posing a similar lead poisoning risk to children under the age of 6.

Based on the Lead-Based Paint Poisoning Prevention Act and the Residential Lead-Based Paint Hazard Reduction Act, no Lead-Based-Paint testing was conducted on the property. However, based upon the age of the buildings (constructed prior to 1978), all buildings listed in **Enclosure 3** are presumed to contain lead-based paint or to have contained LBP prior to demolition.

To address possible lead contamination due to lead-based paint at current and previously demolished building locations, the Hamilton Wetland Restoration Project will provide 3 feet of stable cover over the footprint of the building and to a distance of 6 feet beyond the building footprint. If this 3 feet of cover can not be achieved, the soil at these current and previously demolished building locations plus 6 feet beyond the building perimeter will be scraped to a depth of 6 inches and managed elsewhere on-site beneath 3 feet of stable cover. The building foundation and any concrete/asphalt/hard foundation surface adjacent to the building may remain. Standard lead abatement practices will be followed during construction activities.

The disclosure of conditions will be included in the transfer agreement. The deed will include the lead-based paint notification and covenant provided in the EROA (**Enclosure 7**).

4.7 Asbestos

All asbestos, non-friable and friable, or asbestos containing material (ACM) have been removed by the Army from the Property with the exception of the asbestos pipe covering remaining on a small segment of outfall pipes that have been left in place within the levee at Buildings 35 and 39. The ACM on the Property does not currently pose a threat to human health or the environment. All friable asbestos that posed a risk to human health has been removed. If the Conservancy demolishes or removes Buildings 35 and 39, the Conservancy will address the asbestos pipe covering remaining on the small segment of outfall pipes that have been left in place within the levee at Building 35 and 39.

The deed will include the asbestos notification provided in the EROA (**Enclosure 7**).

4.8 Radiological

Within the Main Airfield Parcel, just south of the northern levee beyond the runway overrun, two corrugated metal culverts containing electron tubes and waveguides were previously located. In 1988, the cylinders were recovered and the low-level radioactive material was removed from the Main Airfield Parcel and properly disposed of. The Department of Health Services indicated the site is suitable for unrestricted use, with respect to radionuclides.

Radiological surveys were conducted on the Property at Building 86 because radioactive commodities were reportedly used or stored in that building. The Army Environmental Hygiene Agency completed a thorough review of Army records in regard to radiological materials. Telephone interviews were conducted with several representatives of the Army. A review of the survey results indicated that there were no radiological health hazards identified as a result of the use and storage of radioactive commodities in the building. Building 86 was released for unrestricted use. No other records pertaining to the use, storage, or disposal of radiological materials at Hamilton Army Airfield were identified.

4.9 Radon

A radon survey has not been conducted on the Hamilton Army Airfield, Main Airfield Parcel. The CERFA Report indicates interviews with the Environmental Investigation contractor, a review of applicable environmental documents, and adjacent property radon survey results indicate that radon is not a concern at Hamilton Army Airfield. Test data and survey results for the adjacent Navy property (housing) indicated radon below the U.S. Environmental Protection Agency (USEPA) recommended action levels. Information provided by U.S. Geologic Survey representatives indicate that radon is not found in the region because of the geology of the area. Therefore, the CERFA Report concluded radon is not considered to be an environmental concern at Hamilton Army Airfield.

4.10 Ordnance and Explosives

The Archive Search Report identified potential Ordnance and Explosives (OE) related features, including an aircraft harmonization range, a skeet range, black powder and demolition bombs storage magazines, firing-in-butt, and a “testing” range (which included a firing range). Of these features, only the demolition bombs storage magazine was identified as a potential source of OE contamination due to possible disposal of unserviceable bombs by burial. The demolition bombs storage magazine was demolished and the area was paved over during the extension of the runway circa 1953. The harmonization range was subsequently identified as an aircraft avionics shop. The other range facilities would have employed small arms which would not pose an explosive hazard. In conducting the archives search and the site inspection, no indications or evidence of OE contamination were found at these facilities. The ROD/RAP proposes future investigations to address potential releases of contamination at the Skeet Range, Firing-in-Butt, and the Testing Range.

The deed will include ordnance and explosives notification provided in the EROA (**Enclosure 7**), which also includes requirements for proper notification of authorities in the event that ordnance and explosives are discovered after transfer of the Property. One other requirement is that a Soil Management Plan be submitted before intrusive activities occur on the Property. This plan will be used to provide oversight over intrusive activities in potential ordnance and explosives areas.

4.11 Other Environmental Conditions

Adjacent properties include Landfill 26, Navy MTBE plumes, POL Hill, and the North Antenna Field. The currently available data indicate that these sites are not adversely impacting

the Main Airfield Parcel. Stormwater runoff from these sites is handled, collected, and transported across the Main Airfield Parcel.

Title 27 requires protective measures to ensure structures within 1,000 feet of a landfill disposal site are not adversely impacted by potential migration of landfill gases. Some portion of the Main Airfield Parcel may be within 1,000 feet of Landfill 26.

4.11.1 Residual Inboard Area-Wide Dichlorodiphenyltrichloroethane (DDTs) and Polynuclear Aromatic Hydrocarbons (PAHs)

Several additional issues related to DDTs (DDT, and its breakdown products DDE and DDD) and PAH contamination have been identified within the Inboard Area of the Main Airfield Parcel. These issues include PAHs in soil near the runway and residual Inboard Area-Wide DDTs. The Army has identified these issues as not being CERCLA releases and therefore does not address them in the comprehensive remedial investigation, interim removal actions, human health and ecological risk assessment, or the Focused Feasibility Study for the Inboard Area Sites. DTSC and RWQCB consider the DDT and PAH contamination to be subject to the California Health and Safety Code, which requires the ROD/RAP to be consistent with the NCP. The Army has agreed with the regulatory agencies to address these issues in the ROD/RAP for the Main Airfield Parcel.

4.11.2 General Services Administration (GSA) and BRAC Soil Stockpiles

Approximately 97 soil stockpiles are currently staged in rows on the runway. The GSA and BRAC closure activities on previously transferred portions of Hamilton generated the soil. The soil has been staged on the runway located on the Main Airfield Parcel. Only soil with contamination below hazardous concentrations as defined by CERCLA, or soil not regulated by CERCLA, was stockpiled. Soil not regulated by CERCLA includes soil from total petroleum hydrocarbons (TPH) sites. Soil with concentrations above CERCLA hazardous waste thresholds, such as for lead, PCBs, volatile organic compounds, pesticides, or herbicides were not stockpiled on the runway and were shipped offsite for disposal.

The stockpiles have been managed to prevent erosion and sediment transport by rainwater runoff. Each pile has been coated with a soil cement mixture to prevent erosion and constructing soil and/or straw berms to prevent sediment transport. The State will determine what additional actions (if any) may be required with respect to the stockpiled soil. This issue is being addressed in the ROD/RAP for the Main Airfield Parcel.

5.0 RESPONSE ACTION AND OPERATION AND MAINTENANCE REQUIREMENTS

Projected Schedule for Remedial Action

The RWQCB, as authorized by the Porter Cologne Water Quality Control Act, will adopt site cleanup requirements that will ensure implementation of the final approved ROD/RAP requirements. Through these Site Cleanup Requirements, the RWQCB will ensure that agreed-upon environmental assurance actions are taken to address residual concentrations of Inboard Area-Wide DDTs and PAHs in soils adjacent to the runway through the imposition of Waste

Discharge Requirements governing the implementation of the Hamilton Wetland Restoration Project.

The Army shall ensure that the Hamilton Wetland Restoration Project, including implementation of its plan for monitoring and adaptive management, will achieve and maintain the performance criteria throughout the life of the wetland at each site where it is applied. The duration of the Hamilton Wetland Restoration Project obligation shall extend to a date 13 years following the date of levee breach and reintroduction of tidal influence to the Inboard Area. Throughout the period of implementation of the Hamilton Wetland Restoration Project and after, the Army and the property owner shall ensure that the remedy for these sites is maintained to the extent necessary to protect human health and the environment (i.e., 5-year reviews).

Activities in the coastal salt marsh will be conducted in a manner that is sensitive to impacts to plants and animals. The excavated areas in the coastal salt marsh will be backfilled with either clean onsite soil or rehandled dredged material of similar physical characteristics, except in the area proposed as a channel cut by the Hamilton Wetland Restoration Project. A Soils Management Plan will be submitted to support the oversight of these intrusive activities.

Several areas of the HAAF property are still under investigation to determine the final activities necessary for protection of the wetlands reuse. The BRAC and GSA soil stockpiles that were generated from previous excavation activities are currently located on paved surfaces. These areas include the following sites identified in the Archive Search Report:

- Testing Range (ASR Site #4)
- Alleged HTRW Disposal Site (ASR Site #8)
- Skeet Range (ASR Site #18)
- Firing-In-Butt (ASR Site #19)

The RWQCB, through its Site Cleanup Requirements, will detail the process for further investigation and remediation (if needed) of these areas. If remediation is required, the action goals established in this ROD/RAP will apply. All required Army activities must be completed according to a schedule that does not interfere with the progress of the Hamilton Wetland Restoration Project.

A schedule for the activities described above is provided in **Enclosure 9**.

6.0 ANALYSIS OF FUTURE LAND USE

The Army is transferring approximately 630 acres of the Main Airfield Parcel to the Conservancy to become part of the Hamilton Wetland Restoration Project. The remaining approximately 14 acres will be transferred to the City of Novato and is the footprint for the existing New Hamilton Partners levee. The ROD/RAP presents the environmental actions to be conducted by the Army necessary to protect public health and the environment based on the proposed future use of the property for wetland reestablishment. The Hamilton Reuse Plan designates the Main Airfield Parcel as open space for wildlife habitat restoration and wetland restoration use. The intended use of the Property is unanticipated to result in exposure to CERCLA hazardous substances that would pose unacceptable risk to human health and the environment.

The environmental impacts associated with the proposed transfer of the Property have been analyzed in accordance with the NEPA. The results of this analysis have been documented in the Final Environmental Impact Statement, Hamilton Army Airfield Disposal and Reuse, dated December 1996, and the Record of Decision dated February 1997. Any encumbrances or conditions identified in such analysis as necessary to protect human health or the environment have been incorporated into the FOSET. In addition, the proposed transfer is consistent with the intended reuse of the Property as set forth in the Hamilton Army Airfield Reuse Plan (1995).

7.0 REGULATORY/PUBLIC COORDINATION OR NOTIFICATION AND RESPONSIVENESS SUMMARY

The State was notified of the initiation of the FOSET. The Draft Final FOSET dated June 2003 was reviewed by the State and comments have been incorporated.

The Army provided public notice of its contemplated use of the Early Transfer Authority and its intent to request approval of a covenant deferral by publishing a notice in local newspapers on May 28 and June 1, 2003. The State will be provided a thirty (30) day formal comment period on the Draft Final FOSET concurrently with the public comment period starting June 5, 2003. During the public comment period, the Army invites comments from the public and regulatory agencies on the Draft Final FOSET. A public meeting will be held on June 16, 2003. The comments received and the Army's responses to these comments will be attached as **Enclosure 8** (Response to Comments Summary) and will be incorporated into this document where appropriate.

8.0 RESPONSE ACTION ASSURANCES

As part of the early transfer, CERCLA §120(h)(3)(C)(ii) requires that the deed or other agreement shall contain the following assurances:

1. Provide for any necessary covenants/restrictions on the use of the property to ensure the protection of human health and the environment.
2. Provide that there will be covenants/restrictions on use as necessary to ensure that required investigations, response actions, and oversight activities will not be disrupted.
3. Provide that all necessary response actions will be taken, and identify the schedules for investigation and completion of all necessary response actions, as approved by the appropriate regulatory agency.
4. Provide that the federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for the investigation and completion of all necessary response actions, subject to congressional authorizations and appropriations.

Assurances for continuing environmental response actions and other actions to address remaining environmental contamination conditions at Hamilton Army Airfield following conveyance will be provided by the following:

1. The Army and the State have cooperatively developed the ROD/RAP for the Main Airfield Parcel in accordance with the requirements of CERCLA and the National Oil and Hazardous Substance Contingency Plan (NCP), Chapter 6.8 of Division 20 of the California Health and Safety Code, and Section 25356.1 and Chapter 5 of Division 7 of

the California Water Code. The RWQCB, with Department of Toxic Substance Control support, will be the lead state agency for oversight of the implementation of the ROD/RAP. The RWQCB, as authorized by the Porter Cologne Water Quality Control Act, will adopt Site Cleanup Requirements that will ensure implementation of the final approved ROD/RAP. The ROD/RAP specifies actions, including appropriate land use restrictions, to be taken to remediate and otherwise address contaminants on the Property and to ensure the suitability of the Property for subsequent use as wetlands. The Army is responsible for ensuring all actions required by the ROD/RAP are implemented.

2. The RWQCB will issue site cleanup requirements pursuant to Section 13304 of the California Water Code, which are acceptable to the Army, to require implementation of the ROD/RAP. The RWQCB will also issue waste discharge requirements in connection with implementation of the Hamilton Wetland Restoration Project regarding the placement and monitoring of cover material on the Main Airfield Parcel sites in accordance with performance criteria specified in the ROD/RAP. The RWQCB, through its Executive Officer, has primary responsibility for reviewing all documentation and determining whether remedial actions taken in conjunction with the ROD/RAP at Hamilton Army Airfield are complete and satisfy the site cleanup requirements.
3. An Implementation Memorandum of Agreement (MOA) will be entered into by the Army and the Conservancy. This MOA outlines roles and responsibilities for the Army BRAC Program, the Army Civil Works Program, and the Conservancy for the implementation of the ROD/RAP requirements.
4. A land use covenant will be entered into by the Army and State to address the following requirements:
 - a) Grading, excavation, and intrusive activities must be conducted pursuant to a plan approved by the State.
 - b) The property shall not be used for residences, schools, daycare facilities, hospitals, hospices, or similar sensitive uses.
 - c) State and federal agencies must have access to the property. The property owner shall provide access, on an as-needed basis, minimizing any interference with the implementation, operation, or maintenance of the ecosystem restoration project. Appropriate federal and state agencies and their officers, agents, employees, contractors, and subcontractors will have the right, upon reasonable notice, to enter the property when it is necessary to carry out response actions or other activities consistent with the purposes of this ROD/RAP. Appropriate federal and state agencies and their officers, agents, employees, contractors, and subcontractors will also have the right, upon reasonable notice, to enter adjoining property, when it is necessary to carry out response actions or other activities consistent with the purposes of this ROD/RAP.

8.1 Deferred Warranty

Upon State concurrence with the Army's determination that all response action necessary to protect human health and the environment with respect to any substance remaining on the property on the date of transfer has been taken, the Army shall execute and deliver to the transferee an appropriate document containing a warranty that all such response action has been taken, and the making of the warranty shall be considered to satisfy the requirement of CERCLA

§120(h)(3)(A)(ii)(I). This warranty shall be in a form that is recordable in the Office of the Recorder, Marin County, California.

8.2 Budgeting for Response Actions

The Army has submitted and will continue to submit through its established budget channels to the Director of the Office of Management and Budget a request for funds that adequately addresses investigation and completion of all response actions required. Expenditure of any Federal funds for such investigations or response actions is subject to congressional authorization and appropriation of funds for that purpose, and nothing herein shall be interpreted to require obligations or payments by the United States in violation of the Anti-Deficiency Act. The Army will submit its funding request for the projects needed to meet the necessary response actions.

All correspondence regarding these projects will recite that these projects are being undertaken on property being transferred pursuant to CERCLA §120(h)(3)(C) and that once validated, approved, and funded, the funding may not be withdrawn without the consent of the Assistant Secretary of the Army for Installations and Environment.

9.0 FINDING OF SUITABILITY FOR EARLY TRANSFER

CERCLA §120(h)(3)(A)(ii)(I) requires that a covenant indicating that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken prior to transfer by deed. The deferral of the covenant for this property has been adequately assessed and evaluated to assure that (a) the transfer will not delay environmental response actions, (b) the reuse of the property will not pose a risk to human health or the environment, and (c) the federal government's obligation to perform all necessary response actions will not be affected by the early transfer of this property. The property is therefore suitable for early transfer to the City and Conservancy.

The Army will submit a request that the required covenant of CERCLA §120(h)(3)(A)(ii)(I) be deferred for this property, to the Governor of the State of California, for concurrence. The covenant required by CERCLA §120(h)(3)(A)(ii)(I) will be included with the deed. The City and Conservancy will receive a warranty authorized under CERCLA §120(h)(3)(C)(iii) when all response actions have been taken in accordance with the provisions of the ROD/RAP. Transfer of property cannot occur until the Governor of the State of California has provided concurrence.

Based on the above information, I conclude that all Department of Defense requirements to reach a finding of suitability for early transfer of the Main Airfield Parcel at Hamilton Army Airfield to the Conservancy and to the City of Novato for the intended reuse as open space for wetland reestablishment and levee footprint have been met for the Property. In addition, all Department of Defense requirements to reach a finding of suitability for early transfer have been met subject to the terms and conditions set forth in the attached Environmental Response Obligation Addendum, which shall be included in the deed for the Property. The Environmental Response Obligation Addendum also includes the CERCLA §120(h)(3)(C) covenant and access provisions. Finally, the hazardous substance notification (**Enclosure 6**) shall be included in the deed as required under the CERCLA §120(h)(C) and DoD Guidance.

Date

Raymond J. Fatz
Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health)
OASA (Installation and Environment)

Enclosures

1. Site Map
2. Legal Description of the Property
3. List of Buildings and Structures
4. Environmental Studies
5. Environmental Condition of Property (ECP) Categories
6. Notice of Hazardous Substances and Petroleum Product Storage, Release, or Disposal
7. Environmental Response Obligation Addendum (EROA)
8. Response to Comments Summary
9. Approximate Schedule of Cleanup Activities for Hamilton